



NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
Senate Bill 33

AMENDMENT NO. _____
(to be filled in by
Principal Clerk)

S33-ARN-2 [v.3]

Page 1 of 2

Comm. Sub. [YES]
Amends Title [YES]
First Edition

Date _____, 2011

Senator Clodfelter

1 moves to amend the bill on page 1, lines 2-10, by rewriting those lines to read:

2
3 "AN ACT TO REFORM THE LAWS RELATING TO MEDICAL LIABILITY BY
4 PROVIDING LIMITED PROTECTION FROM LIABILITY TO THOSE REQUIRED BY
5 FEDERAL LAW TO PROVIDE EMERGENCY MEDICAL CARE, BY AUTHORIZING
6 THE BIFURCATION OF TRIALS ON ISSUES OF LIABILITY AND DAMAGES IN
7 CERTAIN ACTIONS, BY LIMITING THE AMOUNT OF NONECONOMIC
8 DAMAGES THAT MAY BE AWARDED, BY AUTHORIZING THE PERIODIC
9 PAYMENT OF FUTURE ECONOMIC DAMAGES IN LIEU OF A LUMP-SUM
10 PAYMENT, BY MODIFYING APPEAL BONDS IN MEDICAL MALPRACTICE
11 ACTIONS, AND BY CLARIFYING THE STANDARD FOR CIVIL ACTIONS ARISING
12 FROM NONPROFESSIONAL NEGLIGENCE."

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14
15 and on page 4, lines 38-39, by inserting the following between the lines:

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17 "SECTION 6.3. Article 1B of Chapter 90 of the General Statutes is amended by
18 adding the following new section to read:

19 "**§ 90-21.12B. Nonprofessional negligence actions.**

20 Civil actions for damages for personal injury or death arising out of the furnishing or failure
21 to furnish patient care services other than professional services by a health care provider in
22 conjunction with the performance of medical, dental, or other health care by a health care
23 provider shall be brought in accordance with the provisions of G.S. 90-21.11, 90-21.12A, 90-
24 21.12C, 90-21.12D, 90-21.18A, and 90-21.18B, but shall not be subject to the requirements of
25 G.S. 1A-1, Rule 9(j).";
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Page 2 of 2

1 and on page 4, lines 44-46, by rewriting those lines to read:

2
3 "SECTION 8. This act becomes effective October 1, 2011. Sections 1, 3, 4, 5, and
4 6.3 apply to causes of action arising on or after the effective date. Sections 2 and 6 apply to
5 actions commenced on or after the effective date."
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SIGNED _____
Amendment Sponsor

SIGNED _____
Committee Chair if Senate Committee Amendment

ADOPTED _____ FAILED _____ TABLED _____